IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGMENT NO. 314 OF 1997

IN

SUM.SUIT NO. 4584 OF 1996

Overseas Sanmar
Finance Ltd., .. Plaintiffs

vs.

M/s. Matulya Syntex Ltd,
& Anr. .. Defendants.

Mr. F. Sayyed i/by M.K. Ambalal & Co.
for the plaintiffs.
Mr. A.R. Mehra i/by Kartikeya & Associates
for defendants.

CORAM : S.U.KAMDAR, J.

DATE : 26th SEPTEMBER, 2005.

P.C.

. The present suit is filed against defendant nos. 1 and 2 as the guarantors in respect of the claim which was for a sum of Rs. 35,95,000/-. The claim is for Rs. 25,50,981/-. There is already a decree against the principal debtor Matulya

Polyester Limited by way of consent terms. The learned counsel for the plaintiffs however states that they have not been able to recover full amount and therefore they have filed the present suit for recovery of the balance amount. In that view of the matter there shall be a decree against the defendants for the sum of Rs. 25,50,981/- with further interest at the rate of 18% per annum. The learned advocate appearing for the defendants states that the defendant no. 1 company is not there at the present address. Thus, they are unable to contact the defendant no. 1 and they have no instructions in the matter. The summons for judgment is of 1997. There is no affidavit in reply. Originally it was adjourned sine die with a view to recover the money from the principal debtor. However, the money has not been recovered from the principal debtor. In that view of the matter no further adjournment can be granted in the matter. The summons for judgment is made absolute with 18% simple interest per annum. Suit decreed accordingly.